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1943

File No. Cotton Transport 1943

Legal Department

B BRANCH

Subject:-

Rules and Notifications under the Cotton Transport Act 1923

(E)

File No. Cotton Transport II/43

Gen. 194 e.

R.I.No.6903, dated 30-6-1943.

Submitted with reference to R.D. note on page 131 ante, read with that on p. 122 ante.

2. Please read letter from the Director of Agriculture addressed to the Secretary R.D. on pages 121-122 ante. He states that at Gadag and Bagalkot licences are issued to both the cultivators and petty traders, to import cotton from the scheduled talukas of the Nizams Dominions and Madras Presidency, on an application in form A, attached to Government Notification, R.D., No.535-A dated the 16th August 1923. For the reasons stated in his letter he says that clause 3(2) of this application cannot be given effect to in the case of cultivators and pettytraders and has proposed to suspend this clause. The R.D., has accepted the proposal and a draft notification in this behalf is sent to the R.L.A. for scrutiny. The draft notification on page 125 ante is not in order. From the draft notification ~~xxxxxx~~ as submitted bythe Director of Agriculture (on page 123 ante) it appears that the proposal is to amend rule 1 of the rules published under G.N.,R.D., No.535-A dated 18th August 1923. However, if the object to be achieved is only the suspension of clause 3(2), of the form of application for license for a period of one year, as will be seen from para 2(a) of his letter on page 1.9 ante wherein he says "Government sanction to the suspension of this clause i.e. clause 3(2), as a special case, for a period of one year is being applied for", it appears that executive instructions to that effect would be sufficient, instead of undertaking the amendment of the said rule. In view of this it is not necessary to scrutinize the draft notification.

20/7

Id/- D.S.K. 7/7

S.S.

3. Rule 1 of the

3. Rule 1 of the rules published in G.N., R.D. No. 535-A dated the 18th August 1923 provides that licenses for the import of cotton into the protected areas will be granted by the Director of Agriculture, Bombay Province and application should be made to that officer in Form A annexed to the said rules. Form A prescribes the form of application for license. Therefore, if it is intended to give effect to the proposal of the Director of Agriculture in his letter No.S.88 dated 5-2-1943 at pages 115-116 to delete sub-clause (2) of clause 3 of the form of application for a license, as a special case for a period of one year, say 1943, in the Southern Division, the same object can be achieved by issuing executive instructions to that effect without a formal amendment of either rule 1 or Form A. However, if the said proposal i likely to be given effect to from year to year, a formal amendment of Form A will be necessary. The requisite draft notification for that purpose is sent herewith. The notification will have to be approved by the Governor under section 8 of the Cotton Transport Act, 1923.

Id/- B.D.P.
10/7/43.

P.A.
It will not be possible to suspend para 3(2) of the application form by executive instructions. The form is prescribed byrule 1 and the only alternative is to issue a notification.

Reply maybe: A revised draft notification is sent herewith. | A

Id/- S.L.C.
19/7/43.

D.S.
As at A.
Id/- N.K.D.
20/7

R.L.A.
Id/- P.M.H.
29/7

RHB.17.7.

NOTIFICATION.
Revenue Department.
Bombay Castle, July 1943.

Cotton Transport Act, 1923.

No. In exercise of the powrs conferred by section 7 of the Cotton Transport Act, 1923 (XII of 1923), the Government of Bombay is pleased to amend the rules published in Government Notification in the Revenue Department No.535-A, dated the 18th August 1923, (herein after called "the said rules") as follows, namely:-

In Form A appended to the said rules, sub paragraph (2) of paragraph 3 shall be marked with an asterisk, and after foot-note "(a)", the following foot-note shall be added, namely:-

"* Sub-paragraph (2) should be omitted in the case of cultivators and pettytraders who apply for licences through brokers for the import of cotton into the protected areas of the Southern Division from His Exalted Highness the Nizam's dominions, the Madras Province or other protected areas in the Southern Divisions and sell it through brokers to local buyers."

By order of the Governor of Bombay,

Secretary to Government.

RHB.
17.7.

Office of the R.L.A.

A revised draft notification is sent herewith.

Id/- P.N.U.
31/7

Remembrancer of Legal Affairs.

U.S. to S.D., No.527, dated the 2nd August 1943.

HHB.
17.7.